



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1546

Introduced 2/22/2007, by Rep. Careen M Gordon

SYNOPSIS AS INTRODUCED:

725 ILCS 115/3

from Ch. 38, par. 1353

Amends the Bill of Rights for Children. Provides that the Act applies in case in which both parties have agreed to the imposition of a specific sentence. Provides that the Act applies to delinquency proceedings involving a violent crime or a crime causing physical injury.

LRB095 09569 RLC 29769 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Bill of Rights for Children is amended by
5 changing Section 3 as follows:

6 (725 ILCS 115/3) (from Ch. 38, par. 1353)

7 Sec. 3. Rights to present child impact statement.

8 (a) In any case where a defendant has been convicted of a
9 violent crime involving a child or a juvenile has been
10 adjudicated a delinquent for any offense defined in Sections
11 12-13 through 12-16 of the Criminal Code of 1961 or a violent
12 crime or a crime causing physical injury ~~, except those in~~
13 ~~which both parties have agreed to the imposition of a specific~~
14 ~~sentence,~~ and a parent or legal guardian of the child involved
15 is present in the courtroom at the time of the sentencing or
16 the disposition hearing, the parent or legal guardian upon his
17 or her request shall have the right to address the court
18 regarding the impact which the defendant's criminal conduct or
19 the juvenile's delinquent conduct has had upon the child. If
20 the parent or legal guardian chooses to exercise this right,
21 the impact statement must have been prepared in writing in
22 conjunction with the Office of the State's Attorney prior to
23 the initial hearing or sentencing, before it can be presented

1 orally at the sentencing hearing. The court shall consider any
2 statements made by the parent or legal guardian, along with all
3 other appropriate factors in determining the sentence of the
4 defendant or disposition of such juvenile.

5 (b) The crime victim has the right to prepare a victim
6 impact statement and present it to the office of the State's
7 Attorney at any time during the proceedings.

8 (c) This Section shall apply to any child victims of any
9 offense defined in Sections 12-13 through 12-16 of the Criminal
10 Code of 1961 or a violent crime or a crime causing physical
11 injury during any dispositional hearing under Section 5-705 of
12 the Juvenile Court Act of 1987 which takes place pursuant to an
13 adjudication of delinquency for any such offense.

14 (Source: P.A. 90-590, eff. 1-1-99.)